

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GRETHA SMART, individually and on behalf
of her infant children CC and HC, and
JUSTIN LOPEZ,

Plaintiffs,

-against-

SHARICE SCOTT, SHARON ST. HILL, JOY
HEADLEY, PHOEBUS WIDJAJA, ANNE
IDOWU, JAYNE NWANKO, IYEISHA
WITHERSPOON, and CITY OF NEW YORK,

Defendants.

No. 1:21-cv-03420 (NRB)

~~[PROPOSED]~~

**JUDGMENT PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 68**

WHEREAS, Plaintiffs Gretha Smart, individually and on behalf of her infant children CC and HC, and Justin Lopez (collectively, “Plaintiffs”), commenced this action against Defendants Sharice Scott, Sharon St. Hill, Joy Headley, Phoebus Widjaja, Anne Idowu, Jayne Nwankwo, Iyeisha Witherspoon, and the City of New York (collectively, “Defendants”) by filing a complaint on April 20, 2022;

WHEREAS, on August 18, 2022, Defendants served Plaintiffs with an offer of judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure to take judgment against Defendant City of New York upon the terms and conditions set forth herein;

WHEREAS, Defendants’ offer of judgment states that it is made for the purposes specified in Rule 68, and is not to be construed as an admission either that the Defendants are liable in this action, or that the Plaintiffs have suffered any damage;

WHEREAS, on August 31, 2022, Plaintiffs, through counsel, accepted Defendants’ offer of judgment;

NOW, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Plaintiffs shall take judgment against the City of New York in the following amounts, exclusive of allowable costs and reasonable attorneys' fees accrued as of August 18, 2022, the date of Defendants' offer of judgment:

- a. Plaintiff Gretha Smart: \$25,001.00;
- b. Plaintiff CC: \$25,001.00;
- c. Plaintiff HC: \$25,001.00; and,
- d. Plaintiff Justin Lopez: \$25,001.00.

2. This judgment shall be in full satisfaction of all federal and state law claims or rights that Plaintiffs may have to damages, or any other form of relief, arising out of the alleged acts or omissions of defendants the City of New York, Sharice Scott, Sharon St. Hill, Joy Headley, Phoebus Widjaja, Anne Idowu, Jayne Nwankwo, and Iyeisha Witherspoon, or any official, employee, or agent, either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

3. Plaintiffs' acceptance of Defendants' offer of judgment releases and discharges Defendants the City of New York, Sharice Scott, Sharon St. Hill, Joy Headley, Phoebus Widjaja, Anne Idowu, Jayne Nwankwo, and Iyeisha Witherspoon, their successors or assigns, and all past and present officials, employees, representatives and agents of the City of New York or any agency thereof, from any and all claims that were or could have been alleged by Plaintiffs in this action against the City of New York, Sharice Scott, Sharon St. Hill, Joy Headley, Phoebus Widjaja, Anne Idowu, Jayne Nwankwo, and Iyeisha Witherspoon.

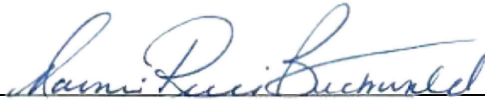
4. Plaintiffs' acceptance of Defendants' offer of judgment operates to waive Plaintiffs' rights to any claim for interest on the amount of the judgment.

5. Defendants' offer of judgment shall not be construed as an admission either that Defendants are liable in this action or that Plaintiffs have suffered any damage.

Dated: New York, New York

September 1, 2022

SO ORDERED.

A handwritten signature in blue ink, reading "Naomi Reice Buchwald", is written over a horizontal line.

Hon. Naomi Reice Buchwald
United States District Judge